



PATENT APPLICATION

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October 25, 2005

Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kevin M. Klucher, Pallavur V. Sivakumar, Wayne R. Kindsvogel,  
Katherine E. Henderson  
Serial No. : 10/691,923  
Filed : October 23, 2003  
For : METHODS FOR TREATING VIRAL INFECTION USING IL-28  
AND IL-29

Examiner : Hamud, F.  
Art Unit : 1647  
Docket No. : 02-24  
Date : October 25, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

The Restriction Requirement mailed September 26, 2005, has been received and reviewed.

The Office Action sets forth a restriction requirement under 35 USC §121. Applicants were requested to elect one of twelve designated groups as briefly noted below:

I. Claims 1-9, 18, 23-25, 33, 38-39, 47 and 52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:2, classified in class 424, subclass 85.2.

II. Claims 1-9, 19, 23-25, 34, 38-39, 48 and 52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:18, classified in class 424, subclass 85.2.

III. Claims 1-9, 20, 23-25, 35, 38-39, 49 and 52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:24, classified in class 424, subclass 85.2.

IV. Claims 1-9, 20, 23-25, 35, 38-39, 49 and 52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:26, classified in class 424, subclass 85.2.

V. Claims 1-9, 21, 23-25, 36, 38-39, 50 and 52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:28, classified in class 424, subclass 85.2.

VI. Claims 1-9, 21, 23-25, 36, 38-39, 50 and 52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:30, classified in class 424, subclass 85.2.

VII. Claims 1-9, 22-25, 37-39 and 51-52, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:36, classified in class 424, subclass 85.2.

VIII. Claims 10-17, 26, 30-32, 40, 44-46, 53 and 57-61, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:4, classified in class 424, subclass 85.2.

IX. Claims 10-17, 27, 30-32, 41, 44-46, 54 and 57-61, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:20, classified in class 424, subclass 85.2.

X. Claims 10-17, 28, 30-32, 42, 44-46, 55 and 57-61, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:32, classified in class 424, subclass 85.2.

XI. Claims 10-17, 28, 30-32, 42, 44-46, 55 and 57-61, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:34, classified in class 424, subclass 85.2.

XII. Claims 10-17, 29-32, 43-46 and 56-61, 10-17, 28, 30-32, 42, 44-46, 55 and 57-61, drawn to a method of treating a viral infection, by administering an effective amount of the polypeptide of SEQ ID NO:38, classified in class 424, subclass 85.2.

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In response to the Requirement for Restriction Election, Applicants elect Group XI, claims 10-17, 28, 30-32, 42, 44-46, 55 and 57-61 (claims 62-66 as amended per the accompanying Preliminary Amendment), drawn to a method of treating a viral infection by administering an effective amount of the polypeptide of SEQ ID NO:34, without traverse. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Early reconsideration and allowance of the pending claims under examination are respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of the above-identified patent application, please call the undersigned at (206) 442-6540.

Respectfully Submitted,



Brian J. Walsh  
Registration No. 45,543

Enclosures:

Preliminary Amendment  
Amendment Fee Transmittal (in duplicate)  
Supplemental IDS  
Postcard